

R E M A R K S

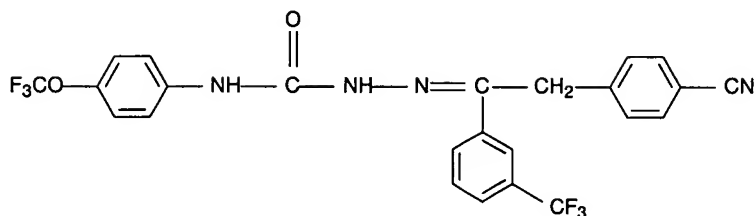
Claims 1 to 5 and 8 to 12 as set forth in Appendix II of this paper are now pending in this case. Claims 6 and 7 have been canceled, Claims 1 to 5 have been amended, and Claims 8 to 12 have been added, as indicated in the Listing of Claims set forth in Appendix I of this paper.

In addition to minor editorial changes in the claim language, Claims 1 to 5 have been amended to relate to a method for combating pests from the order of Isoptera, Hymenoptera, Orthoptera, and Psocoptera. The respective subject matter is supported by applicants' Claim 6 in conjunction with the disclosure on page 1, indicated line 27, to page 2, indicated line 9, of the application. New Claims 8 to 12 have been added to further bring out some of the subsidiary embodiments of the method. More particularly, the families of pests recited in new Claim 8 are addressed in applicants' disclosure on page 23, indicated lines 5 to 29, and the application rates recited in new Claims 9 and 11 are addressed on page 26, indicated lines 18 to 24, of the application. New Claim 10 relates to the method of protecting wood which is disclosed inter alia on page 25, indicated line 30, to page 26, indicated line 8, of the application, and the subject matter of Claim 12 is essentially supported by disclosure for Claims 10 and 11 in conjunction with Claim 2. No new matter has been added.

The Examiner has required election of, and restriction of the application to, one of the following groups of claims

1. Claims 1 to 7 wherein A of formula I encompasses an -N-N=C-moiety and W is oxygen;
2. Claims 1 to 7 wherein A of formula I encompasses an -N-N=C-moiety and W is sulfur;
3. Claims 1 to 7 wherein A of formula I encompasses an -N-N-CH-moiety and W is oxygen; and
4. Claims 1 to 7 wherein A of formula I encompasses an -N-N-CH-moiety and W is sulfur.

Applicants herewith elect the group designated (1). As regards the Examiner's requirement to elect a single species, applicants' herewith elect the compound enumerated as Example 44 on page 11 of the application which is represented by the following formula:



All of applicants' claims as herewith amended read on a method of using the elected species for controlling the requisite pests. Traversal of the Examiner's restriction requirement is solicited in light of the foregoing amendment and the following remarks.

As stated by the Examiner, the capability of the compounds to control ants constitutes one of the special technical features of applicants' invention when considered as a whole, in particular since all of applicants' claims are now drawn to a method which requires treating those pests with an effective amount of the compound (I). Furthermore, applicants' representative examples show that the compounds (I) have the particular technical feature in common. Accordingly, applicants' claims as herewith submitted meet the circumstances set forth in PCT Rule 13.2 in which the requirement of unity of invention is met. Favorable reconsideration of the Examiner's position and withdrawal of the restriction requirement is, therefore, respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

Herbert B. Keil

Reg. No. 18,967

1350 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 659-0100

Encl.: THE LISTING OF CLAIMS (Appendix I)

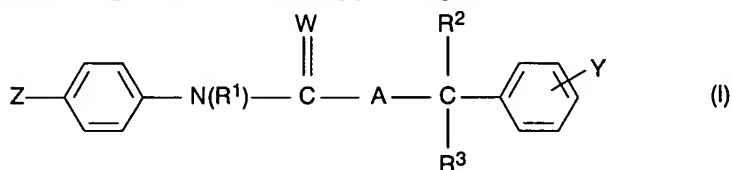
THE AMENDED CLAIMS (Appendix II)

HBK/BAS

A P P E N D I X I:

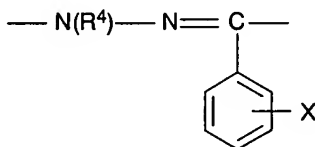
THE LISTING OF CLAIMS (version with markings, showing the changes made):

1. (amended) [~~An ant controller characterized by containing, as active ingredient thereof,~~] A method for combating a pest selected from the Isoptera, Hymenoptera, Orthoptera, and Psocoptera orders which comprises applying to said pest or to a wooden part or to soil in the habitat of said pest an effective amount of a hydrazine [derivative represented by the following] compound of formula (I):



wherein

A represents

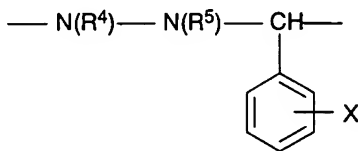


[+]wherein

R⁴ represents hydrogen [atom] or C₁-C₆ alkyl [group], and

X represents 1 to 5[7] same or different substituents selected from the group consisting of hydrogen [atom], halogen [atom], C₁-C₆ alkyl [group] and halo C₁-C₆ alkyl [group],

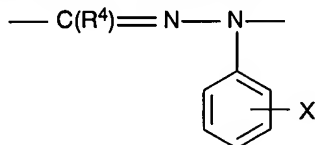
or is



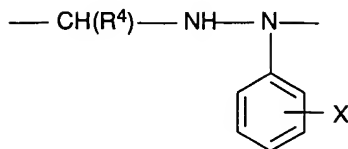
[+]wherein R⁴ and X are as defined above, and

R⁵ represents hydrogen [atom], C₁-C₆ alkylcarbonyl [group] or phenyl carbonyl [group] which may have 1 to 2[7] same or different [~~substituents selected from the group consisting of~~] C₁-C₆ alkyl [groups] substituents,

or is



[+]wherein R⁴ and X are as defined above[+],

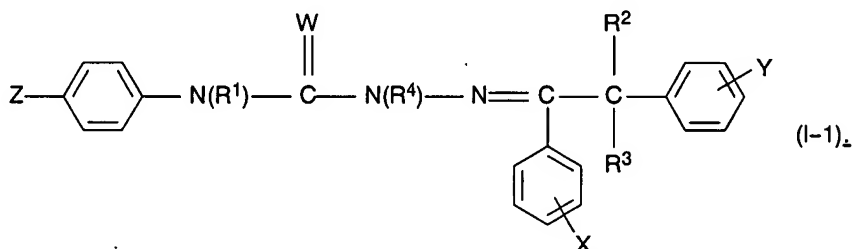
or is[+]wherein R⁴ and X are as defined above[+];R¹ represents hydrogen [atom] or C₁-C₆ alkyl [group];R² and R³, which may be same or different, represent hydrogen [atom], hydroxyl [group], C₁-C₆ alkyl [group], C₁-C₆ alkoxy [group], C₁-C₆ alkylcarbonyl [group] or phenylcarbonyl [group];

Y represents 1 to 5[7] same or different substituents selected from the group consisting of hydrogen [atom], halogen [atom], nitro [group] and cyano [group];

Z represents halogen [atom], cyano [group], C₁-C₆ alkyl [group], halo C₁-C₆ alkyl [group], C₁-C₆ alkoxy [group], halo C₁-C₆ alkoxy [group], halo C₁-C₆ alkylthio [group], halo C₁-C₆ alkylsulfinyl [group] or halo C₁-C₆ alkylsulfonyl [group]; and

W represents oxygen [atom] or sulfur [atom].

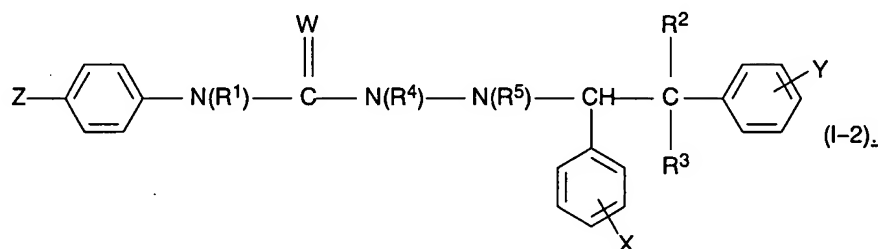
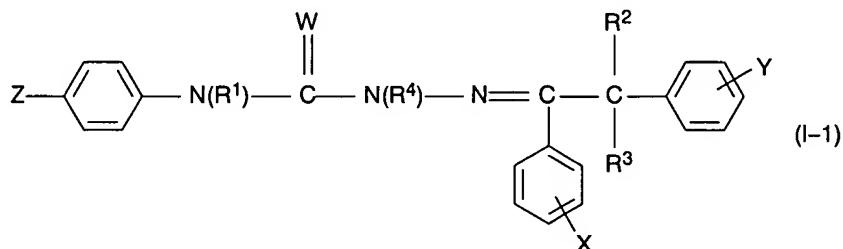
2. (amended) The [~~ant controller according to Claim 1, which~~] method of claim 1 wherein the hydrazine compound is represented by formula (I-1):

[wherein][~~R¹ represents hydrogen atom or C₁-C₆ alkyl group,~~][~~R² and R³, which may be same or different, represent hydrogen atom, hydroxyl group, C₁-C₆ alkyl group, C₁-C₆ alkoxy group, C₁-C₆ alkylcarbonyl group or phenylcarbonyl group,~~][~~R⁴ represents hydrogen atom or C₁-C₆ alkyl group,~~][~~X represents 1 to 5, same or different substituents selected from the group consisting of hydrogen atom, halogen atom, C₁-C₆ alkyl group and halo C₁-C₆ alkyl group,~~][~~Y represents 1 to 5, same or different substituents selected from the group consisting of hydrogen atom, halogen atom, nitro group and cyano group,~~]

[Z represents halogen atom, cyano group, C₁-C₆ alkyl group, halo C₁-C₆ alkyl group, C₁-C₆ alkoxy group, halo C₁-C₆ alkoxy group, halo C₁-C₆ alkylthio group, halo C₁-C₆ alkylsulfinyl group or halo C₁-C₆ alkylsulfonyl group; and]

[W represents oxygen atom or sulfur atom.]

3. (amended) The [ant controller according to Claim 1, which] method of claim 1 wherein the hydrazine compound is represented by formula (I-1) or (I-2):



[wherein]

[R¹ represents hydrogen atom or C₁-C₆ alkyl group;]

[R² and R³, which may be same or different, represent hydrogen atom, hydroxyl group, C₁-C₆ alkyl group, C₁-C₆ alkoxy group, C₁-C₆ alkylcarbonyl group or phenylcarbonyl group;]

[R⁴ represents hydrogen atom or C₁-C₆ alkyl group;]

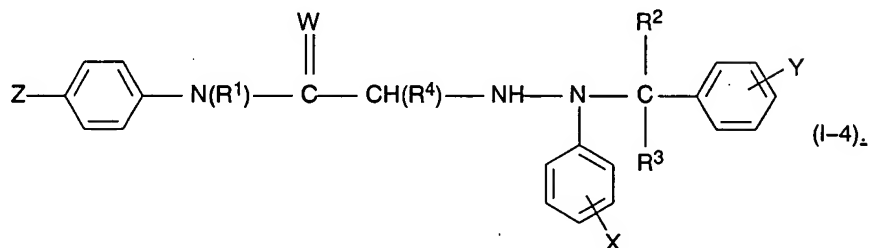
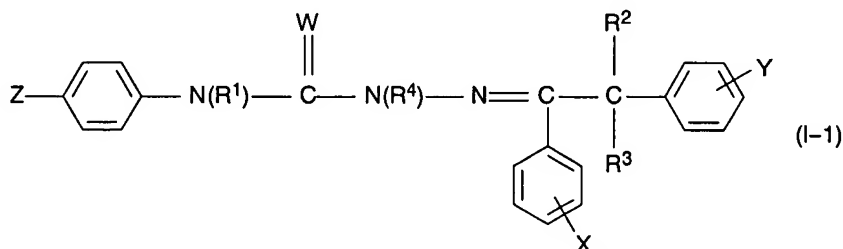
[R⁵ represents hydrogen atom, C₁-C₆ alkylcarbonyl group or phenylcarbonyl group which may have 1 to 2, same or different substituents selected from the group consisting of C₁-C₆ alkyl groups;]

[X represents 1 to 5, same or different substituents selected from the group consisting of hydrogen atom, halogen atom, C₁-C₆ alkyl group and halo C₁-C₆ alkyl group;]

[Y represents 1 to 5, same or different substituents selected from the group consisting of hydrogen atom, halogen atom, nitro group and cyano group;]

[Z represents halogen atom, cyano group, C₁-C₆ alkyl group, halo C₁-C₆ alkyl group, C₁-C₆ alkoxy group, halo C₁-C₆ alkoxy group, halo C₁-C₆

5. (amended) The ~~[ant controller according to Claim 1, which]~~ method of claim 1 wherein the hydrazine compound is represented by formula (I-1) or (I-4):



[wherein]

[~~R¹ represents hydrogen atom or C₁-C₆ alkyl group,~~]

[~~R² and R³, which may be same or different, represent hydrogen atom, hydroxyl group, C₁-C₆ alkyl group, C₁-C₆ alkoxy group, C₁-C₆ alkylcarbonyl group or phenylcarbonyl group,~~]

[~~R⁴ represents hydrogen atom or C₁-C₆ alkyl group,~~]

[~~X represents 1 to 5, same or different substituents selected from the group consisting of hydrogen atom, halogen atom, C₁-C₆ alkyl group and halo C₁-C₆ alkyl group,~~]

[~~Y represents 1 to 5, same or different substituents selected from the group consisting of hydrogen atom, halogen atom, nitro group and cyano group,~~]

[~~Z represents halogen atom, cyano group, C₁-C₆ alkyl group, halo C₁-C₆ alkyl group, C₁-C₆ alkoxy group, halo C₁-C₆ alkoxy group, halo C₁-C₆ alkylthio group, halo C₁-C₆ alkylsulfinyl group or halo C₁-C₆ alkylsulfonyl group, and~~]

[~~W represents oxygen atom or sulfur atom.~~]

6. (canceled)

7. (canceled)

8. (new) The method of claim 1, wherein said pest is selected from the Rhinotermitidae, Termitidae, Kalotermitidae, Termopsidae and Formicidae families.

9. (new) The method of claim 1, wherein the hydrazine compound is applied in an amount of 0.1 to 500 g/m².
10. (new) The method of claim 1, wherein the hydrazine compound is applied to the wooden part in an amount which is effective to protect the wood against pests selected from the Rhinotermitidae, Termitidae, Kalotermitidae, Termopsidae and Formicidae families.
11. (new) The method of claim 10, wherein the hydrazine compound is applied to the wooden part in an amount of 0.1 to 50 g/m².
12. (new) The method of claim 11, wherein the hydrazine compound is represented by formula (I-1):

